

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion Into Competition  
for Local Exchange Service.

Ruling 95-04-043  
(Filed April 26, 1995)

Order Instituting Investigation on the  
Commission's Own Motion Into Competition  
for Local Exchange Service.

Investigation 95-04-044  
(FCC Triennial Review  
9-Month Phase)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING MOTION FOR MODIFICATION OF SCHEDULE**

On April 15, 2004, AT&T Communications of California, Inc. (AT&T), MCI Metro Access Transmission Services (MCI), LLC, SBC California (SBC), and Verizon California, Inc. (Verizon) jointly filed a motion to extend the schedule for this proceeding and for an order shortening time to respond to this motion to two days (no later than Monday, April 19, 2004). Specifically, movants seek extension of the deadline for submission of the Issues Comparison Exhibit (ICE) one week, from April 15, 2004 to April 22, 2004.

Verizon and SBC further seek an extension in the deadline for reply briefs two weeks, from April 28, 2004 to May 13, 2004, and MCI seeks to extend the deadline for reply briefs one week, from April 28, 2004 to May 6, 2004. With respect to the due date for reply briefs, MCI and AT&T do not oppose the request of SBC and Verizon for a two week extension. AT&T opposes neither request, nor does MCI oppose the request for a two week extension, provided that any extension applies to all parties equally.

Joint movants argue that the requested extensions are reasonable in view of the magnitude and complexities of the opening briefs and the resulting time required to complete the ICE and also to prepare reply briefs. Various parties indicated by email response that they either support or do not oppose the requested extensions.

SBC and Verizon also commit\* that, should the Commission grant the relief requested, they will not file any petition pursuant to 47 C.F.R. § 51.320 (“Assumption of responsibility” by the FCC) at least until July 16, 2004 or the next regularly scheduled Commission conference (but no later than August 19, 2004) (if they were to file any such petition at all). Under the TRO, a schedule was adopted for state commissions to act within nine months ending on July 2, 2004. Pursuant to 47 C.F.R. § 51.320, if a state commission “fails to exercise its authority under § 51.319,” any party seeking that the FCC “step into the role of the state commission” shall file a petition with the FCC supporting the claim that the state commission has failed to act. The original schedule for submission of the ICE and the filing of briefs was set to provide sufficient time for the Commission to issue its decision on TRO matters by the end of the nine-month deadline.

Since that schedule was adopted, the ALJ, by ruling dated March 18, 2004, already granted an extension of two weeks to file opening and reply briefs. Granting that delay necessarily absorbed time available to the Commission to issue a decision on TRO matters within the nine-month schedule. Thus, although the motion for extension in the due date for submission of the ICE and

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\* SBC and Verizon elaborated on the terms of their commitment in an e-mail to parties dated April 19, 2004.

reply briefs is granted, as set forth below, these extensions of time are granted at the sole request of the parties. Extending the time frames, as parties requested, increases the likelihood that the CPUC will issue its decision beyond the nine-month time frame. Therefore, in granting this additional extension, we are holding SBC and Verizon to their commitment not to file a petition with the FCC, or take any other administrative or judicial action, that would divest or challenge the Commission's authority to complete its proceeding and issue a decision in the event that the Commission exceeds the nine-month period by an amount of time commensurate with the extensions granted.

**IT IS RULED** that:

1. The deadline for submission of the Issues Comparison Exhibit (ICE) is hereby extended one week, from April 15, 2004 to April 22, 2004.
2. The deadline for filing of reply briefs is hereby extended two weeks, from April 28, 2004 to May 13, 2004.
3. In granting the requested extension in the due date for submission of the ICE and reply briefs, we are holding parties to their commitment not to file a petition with the FCC (or take any other administrative or judicial action to enforce) until at least the Commission conference of August 19, 2004.

Dated April 19, 2004 in San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion for Modification of Schedule on all parties of record in this proceeding or their attorneys of record.

Dated April 19, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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